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2 THE LAW OFFICES OF RANDOLPH H. GOLDBERG  
3 RANDOLPH H. GOLDBERG, ESQ.  
4 4000 S. Eastern Avenue, Suite 200  
5 Las Vegas, Nevada 89119  
6 (702) 735-1500  
7 Attorney for Debtor  
8 Nevada State Bar no. 5970

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

\* \* \* \* \*

9 In re: ) BANKRUPTCY NUMBER:  
MANUEL CAMACHO & ) BK-S-08-24581-LBR  
10 LIONA CAMACHO ) Chapter 13  
11 )  
12 Debtor. ) Date: 3/05/2009  
Time: 3:00 pm

**MOTION TO VALUE COLLATERAL, "STRIP OFF" AND MODIFY RIGHTS  
OF NATIONAL CITY BANK PURSUANT TO 11 U.S.C. §506(a) AND §1322**

16 Now Comes, MANUEL & LIONA CAMACHO (hereinafter the "debtor"), by the  
law firm of Randolph H. Goldberg., and attorney Randolph H. Goldberg, Esq., and  
moves  
17 this Court pursuant to 11 U.S.C. §506(a), and §1322, and Bankruptcy Rules 3012 and  
9014 and states:  
18

- 18 1. Debtor filed the instant Chapter 13, Case Number 08-24581 on December 5, 2008.  
19 2. On the petition date, debtor owned real property located at 2132 FRANKLIN AVE,  
Las Vegas, Nevada 89104 (hereinafter the "Subject Property").  
20 3. The value of the Subject Property was \$238,000.00 at the time the instant  
petition was filed.  
21 4. At the time of filing the instant petition, the Subject Property was subject to

**SPECIALIZED LOAN SERVICES** (First Mortgagors) \$167,000.00

- 22 **SPECIALIZED LOAN SERVICES** (First Mortgage): \$137,000.00  
23 5. Therefore, on the date the instant bankruptcy was filed, no equity existed in  
the Subject Property above the claims of **NATIONAL CITY BANK**

23 the Subject Property above the claims of **NATIONAL CITY BANK**.  
24 6. **NATIONAL CITY BANK's** claim was wholly unsecured on the petition  
date and if the Subject Property was sold at auction **NATIONAL CITY BANK** would  
receive nothing.

25       7. Accordingly, the debtor requests that Your Honor find that **NATIONAL CITY BANK's**  
26       claim is unsecured and should be reclassified as a general  
unsecured claim to receive pro rata with other general unsecured creditors through the  
debtor's chapter 13 plan.

## **LEGAL ARGUMENT**

- <sup>27</sup> In *In re Zimmer*, 313 F.3d 1220 (9th Cir. 2002), the Court stated that a wholly unsecured lien holder's claim can be modified and reclassified as a general unsecured

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2 claim pursuant to 11 U.S.C. §506(a), despite the anti-modification language in  
 3 §1322(b)(2). Specifically, the Court held:

4

5 Section 506(a) divides creditors' claims into  
 6 "secured...claims" and "unsecured claims." Although the  
 7 conventional interpretation of "secured" might include any  
 8 claim in which the creditor has a security interest in the  
 9 debtor's property, § 506(a) makes clear that the status of a  
 claim depends on the valuation of the property. An  
 allowed claim of a creditor secured by a lien on property in  
 which the estate has an interest ... is a secured claim to the  
 extent of the value of such creditor's interest in the estate's  
 interest in such property ... and is an unsecured claim to the  
 extent that the value of such creditor's interest ... is less  
 than the amount of such allowed claim

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11 ... To put it more simply, a claim such as a mortgage is not a  
 12 "secured claim" to the extent that it exceeds the value of the  
 13 property that secures it. Under the Bankruptcy Code,  
 14 "secured claim" is thus a term of art; not every claim that is secured by a lien on  
 15 property will be considered a  
 "secured claim." Here, it is plain that **NATIONAL CITY BANK's** claim  
 for the repayment of its loan is an unsecured claim, because  
 its deed of trust is junior to the first deed of trust, and the  
 value of the loan secured by the first deed of trust is greater  
 than the value of the house.

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17 Accordingly, since **NATIONAL CITY BANK's** claim is wholly  
 18 unsecured (in that there is no extant equity above the first mortgage in the Subject  
 Property), Your Honor should reclassify **NATIONAL CITY BANK's** claim to a  
 general unsecured claim to be receive pro rata with like unsecured creditors.  
**NATIONAL CITY BANK** should also be stripped of its secured rights under State law  
 19 since  
 no maintainable security interest in the subject property exists.  
 Further, the debtor is not required to file an adversary proceeding to achieve  
 the requested relief herein. Debtor may bring a motion to "strip off" **NATIONAL CITY**  
**BANK's** consensual lien by motion. See *In re Williams*, 166 B.R. 615  
 (Bankr.E.D.Va.1994), *In re Fuller*, 255 B.R. 300 (Bankr.W.D.Mich.2000), *In re Hoskins*,  
 262 B.R. 693 (Bankr.E.D.Mich.2001), *In re King*, 290 B.R. 641 (Bankr.C.D.Ill.2003), *In*  
*re Millspaugh*, 302 B.R. 90 (Bankr.D.Idaho 2003), *Dickey v. Ben. Fin. (In re Dickey)* 293  
 B.R. 360 (Bankr.M.D.Pa.2003), *In re Hill*, 304 B.R. 800 (Bankr.S.D.Ohio 2003); *In re*  
*Sadala* 294 B.R. 180 (Bankr.M.D.Fla.2003), *In re Fisher*, 289 B.R. 544  
 (Bankr.W.D.N.Y.2003), *In re Robert*, 313 B.R. 545 (Bankr.N.D.N.Y.2004), *In re Bennett*,  
 312 B.R. 843 (Bankr.W.D.Ky.2004).

24

25 WHEREFORE, Debtor prays that this Court:

- 26 1. "Strip off" and extinguish **NATIONAL CITY BANK's** wholly  
 27 unsecured lien pursuant to 11 U.S.C. Section 506(a) upon completion of the debtor's  
 chapter 13 plan payments;
2. Reclassify **NATIONAL CITY BANK's** claim as a general unsecured  
 claim to be paid pro rata with other general unsecured creditors through the debtor's  
 chapter 13 plan.

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2 3. Such other relief the Court finds appropriate.

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4 DATED this 28th of January, 2008.

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THE LAW OFFICES OF  
RANDOLPH H. GOLDBERG  
By /s/RANDOLPH GOLDBERG/s/  
RANDOLPH H. GOLDBERG, ESQ.  
4000 S. Eastern  
Suite 200  
Las Vegas, Nevada 89119  
Attorney for Debtor

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**APPRAISAL OF REAL PROPERTY**

**LOCATED AT:**

2132 FRANKLIN AVENUE  
LOT 9, BLOCK 2 OF EASTWOOD TRACT #1 AMD  
LAS VEGAS, NV 89104

**FOR:**

MANUEL CAMACHO

**AS OF:**

DECEMBER 16, 2008

**BY:**

TRISTA CATER  
C & R APPRAISAL COMPANY

**RESIDENTIAL APPRAISAL SUMMARY REPORT**

Property Address: 2132 FRANKLIN AVENUE	City: LAS VEGAS	State: NV	Zip Code: 89104
County: CLARK	Legal Description: LOT 9, BLOCK 2 OF EASTWOOD TRACT #1 AMD		
Tax Year: 08-09	R.E. Taxes: \$ 702.37	Special Assessments: \$ NONE	Borrower's Parcel #: 162-01-210-018
Current Owner of Record: CAMACHO	Occupant: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Vacant	<input type="checkbox"/> Manufactured Housing	
Project Type: <input type="checkbox"/> PUD <input type="checkbox"/> Condominium <input type="checkbox"/> Cooperative <input type="checkbox"/> Other (describe)	HOA: \$ N/A <input type="checkbox"/> per year <input type="checkbox"/> per month		
Market Area Name: EASTWOOD TRACT #1 AMD	Map Reference: 55-E1	Census Tract: 0012.00	

The purpose of this appraisal is to develop an opinion of:  Market Value (as defined), or  other type of value (describe)

Approaches developed for this appraisal:  Sales Comparison Approach  Cost Approach  Income Approach (See Reconciliation Comments and Scope of Work)

Property Rights Appraised:  Fee Simple  Leasehold  Leased Fee  Other (describe)

Intended Use: THE INTENDED USE OF THIS APPRAISAL REPORT IS FOR THE BANKRUPTCY COURT TO EVALUATE THE PROPERTY THAT IS THE SUBJECT OF THIS APPRAISAL FOR A BANKRUPTCY FILING.

Intended User(s) (by name or type): THE INTENDED USER IS THE PROPERTY OWNER AND THE BANKRUPTCY ATTORNEY/COURT.

Client: MANUEL CAMACHO Address: 2132 FRANKLIN AVENUE, LAS VEGAS, NV 89104

Appraiser: TRISTA CATER Address: LAS VEGAS

Location:	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Rural	Predominant Occupancy	One-Unit Housing	Present Land Use	Change in Land Use
Built up:	<input checked="" type="checkbox"/> Over 75% <input type="checkbox"/> 25-75% <input type="checkbox"/> Under 25%		PRICE \$ (000) AGE (yrs)	One-Unit 65 % 2-4 Unit 0 %	<input checked="" type="checkbox"/> Not Likely <input type="checkbox"/> Likely * <input type="checkbox"/> In Process *
Growth rate:	<input type="checkbox"/> Rapid <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Slow	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant	23 Low 10	Multi-Unit 10 %	* To:
Property values:	<input type="checkbox"/> Increasing <input type="checkbox"/> Stable <input checked="" type="checkbox"/> Declining		<input checked="" type="checkbox"/> Vacant (0-5%) <input type="checkbox"/> Over Supply	Comm'l 20 %	
Demand/supply:	<input type="checkbox"/> Shortage <input type="checkbox"/> In Balance <input checked="" type="checkbox"/> Over Supply		648 High 65		
Marketing time:	<input type="checkbox"/> Under 3 Mos. <input checked="" type="checkbox"/> 3-6 Mos. <input type="checkbox"/> Over 6 Mos.		<input checked="" type="checkbox"/> Vacant (>5%) 100-150 Pred 35-45	5 %	

Market Area Boundaries, Description, and Market Conditions (including support for the above characteristics and trends): Subject is bounded to the north by Charleston Blvd., to the east by Fremont St., to the west by Las Vegas Blvd., and to the south by Sahara Ave. The subject is located in the centrally portion of the Las Vegas valley and is approximately 2-3 miles from the downtown business district and "Strip" employment centers. Average access to local public conveniences. Average overall maintenance levels. No detrimental influences at the time of inspection. Sales have decreased in the last year while inventory continues to rise. Foreclosures and short sales are becoming more common in the current market. Sellers must be realistic when pricing properties and be willing to market aggressively. Listing and pending sales are emphasized and only the most current closed sales are considered reliable in this changing market.

Dimensions: 55 x 113 Site Area: 6,215 SQ.FT.

Zoning Classification: R-1 Description: SINGLE FAMILY

Zoning Compliance:  Legal  Legal nonconforming (grandfathered)  Illegal  No zoning

Are CC&Rs applicable?  Yes  No  Unknown Have the documents been reviewed?  Yes  No Ground Rent (if applicable) \$ /

Highest & Best Use as improved:  Present use, or  Other use (explain)

Actual Use as of Effective Date: SINGLE FAMILY Use as appraised in this report: SINGLE FAMILY

Summary of Highest & Best Use: THE HIGHEST AND BEST USE OF THE SUBJECT PROPERTY AS IMPROVED (OR AS PROPOSED PER PLANS AND SPECIFICATIONS, LAND USES, ETC.) IS AS A SINGLE FAMILY RESIDENCE.

Utilities	Public	Other	Provider/Description	Off-site Improvements	Type	Public	Private	Topography	BUILT-UP PAD
Electricity	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Street	ASPHALT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Size	TYPICAL FOR DEVELOPMNT
Gas	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Curb/Gutter	CONCRETE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Shape	RECTANG/SEE PLAT
Water	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Sidewalk	CONCRETE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Drainage	ADEQUATE
Sanitary Sewer	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Street Lights	ADEQUATE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	View	RESIDENTIAL
Storm Sewer	<input type="checkbox"/>	<input type="checkbox"/>		Alley	NONE/TYPICAL	<input type="checkbox"/>	<input type="checkbox"/>		

Other site elements:  Inside Lot  Corner Lot  Cul de Sac  Underground Utilities  Other (describe)

FEMA Spec'l Flood Hazard Area  Yes  No FEMA Flood Zone X FEMA Map # 32003C 2170E FEMA Map Date 9/02

Site Comments: THIS SITE IS TYPICAL OF THE NEIGHBORHOOD IN TERMS OF SIZE AND APPEAL, WITH NO READILY APPARENT EASEMENTS OR ENCROACHMENTS. IN SHORT, A CONFORMING SITE THAT PROVIDES A SUITABLE SETTING.

General Description	Exterior Description	Foundation	Basement	<input checked="" type="checkbox"/> None	Heating
# of Units 1 <input type="checkbox"/> Acc.Unit	Foundation CONCRETE	Slab CONCRETE	Area Sq. Ft. N/A		Type FAU
# of Stories 1	Exterior Walls STUCCO	Crawl Space NO	% Finished		Fuel GAS
Type <input checked="" type="checkbox"/> Det. <input type="checkbox"/> Att. <input type="checkbox"/>	Roof Surface BUILT-UP	Basement NO	Ceiling		
Design (Style) 1-STORY	Gutters & Dwnspnts. NONE	Sump Pump <input type="checkbox"/> N/A	Walls		Cooling
<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed <input type="checkbox"/> Und.Cons.	Window Type SLID. ALUM	Dampness <input type="checkbox"/> N/A	Floor		Central YES
Actual Age (Yrs.) 55	Stormy/Screens YES	Settlement N/A	Outside Entry		Other NONE
Effective Age (Yrs.) 55	Infestation N/A				

Interior Description	Appliances	Attic	<input type="checkbox"/> None	Amenities	Car Storage	<input checked="" type="checkbox"/> None
Floors CER/CPT/AVG	Refrigerator <input type="checkbox"/>	Stairs <input type="checkbox"/>	<input type="checkbox"/> Fireplace(s) # NONE	Woodstove(s) #	Garage # of cars ( 2 Tot.)	
Walls DRYWALL/AVG	Range/Oven <input checked="" type="checkbox"/>	Drop Stair <input type="checkbox"/>	<input type="checkbox"/> Patio COVD		Attach.	
Trim/Finish PAINT/AVERAGE	Disposal <input type="checkbox"/>	Scuttle <input type="checkbox"/>	<input type="checkbox"/> Deck NONE		Detach.	
Bath Floor CERAMIC/AVG	Dishwasher <input type="checkbox"/>	Doorway <input type="checkbox"/>	<input type="checkbox"/> Porch NONE		Bit-In	
Bath Wainscot CERAMIC/AVG	Fan/Hood <input checked="" type="checkbox"/>	Floor <input type="checkbox"/>	<input type="checkbox"/> Fence CHAIN		Carport	
Doors RAISED PANEL/AVG	Microwave <input type="checkbox"/>	Heated <input type="checkbox"/>	<input type="checkbox"/> Pool NONE		Driveway 2	
	Washer/Dryer <input type="checkbox"/>	Finished <input type="checkbox"/>			Surface CONCRETE	

Finished area above grade contains: 4 Rooms 2 Bedrooms 1 Bath(s) 718 Square Feet of Gross Living Area Above Grade

Additional features: CHAINLINK FENCING, COVERED PATIO, VERTICAL BLINDS.

Describe the condition of the property (including physical, functional and external obsolescence): THE PROPERTY IS IN OVERALL AVERAGE CONDITION. NO REPAIRS, RENOVATIONS OR REMODELING NEEDED.

## RESIDENTIAL APPRAISAL SUMMARY REPORT

File No.: 081207

My research  did  did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.

Data Source(s): MLS/COUNTY RECORDS

1st Prior Subject Sale/Transfer Date: 6/20/06 Price: \$170,000 Source(s): COUNTY RECORDS 2nd Prior Subject Sale/Transfer Date: NONE	Analysis of sale/transfer history and/or any current agreement of sale/listing: THE SUBJECT PROPERTY TRANSFERRED 6/20/06 FOR \$170,000.
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Source(s): COUNTY RECORDS

SALES COMPARISON APPROACH TO VALUE (if developed)				The Sales Comparison Approach was not developed for this appraisal.			
FEATURE	SUBJECT	COMPARABLE SALE # 1	COMPARABLE SALE # 2	COMPARABLE SALE # 3			
Address	2132 FRANKLIN AVENUE LAS VEGAS, NV 89104	1713 ARDMORE STREET APN: 162-01-310-125	1900 EUCLID AVENUE APN: 162-01-310-110	2416 HOWARD DRIVE APN: 162-01-311-060			
Proximity to Subject		0.29 miles S	0.40 miles S	0.42 miles SE			
Sale Price	\$ N/A	\$ 50,000	\$ 68,000	\$ 57,500			
Sale Price/GLA	\$ /sq.ft. \$ 71.63 /sq.ft.	\$ 66.67 /sq.ft.	\$ 58.20 /sq.ft.				
Data Source(s)	INSPECTION	DOC# 20081010-00402/TAXSTR	DOC# 20081009-02698/TXSTR	DOC# 20081024-01057/TXSTR			
Verification Source(s)	COUNTY RECS	MLS# 827793 DOM 119	MLS# 833432 DOM 118	MLS# 864540 DOM 24			
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION + (-) \$ Adjust.	DESCRIPTION + (-) \$ Adjust.	DESCRIPTION + (-) \$ Adjust.			
Sales or Financing Concessions	N/A	CASH	CONV	CASH			
Date of Sale/Time	INSP. 12/08	COE 10/10/08	COE 10/09/08	COE 10/24/08			
Rights Appraised	FEE SIMPLE	FEE SIMPLE	FEE SIMPLE	FEE SIMPLE			
Location	AVERAGE	AVERAGE	AVERAGE	AVERAGE			
Site	6,215 SQ.FT.	6,240 SQ.FT.	7,560 SQ.FT.	-2,000 6,000 SQ.FT.			
View	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL			
Design (Style)	1-STORY	1-STORY	1-STORY	1-STORY			
Quality of Construction	AVERAGE	AVERAGE	AVERAGE	AVERAGE			
Age	55	55	55	53			
Condition	AVERAGE	AVERAGE	AVERAGE	AVERAGE			
Above Grade Room Count	Total Bdrms 4	Baths 2	Total Bdrms 4	Baths 2	Total Bdrms 5	Baths 3	
Gross Living Area	718 sq.ft.		698 sq.ft.		1,020 sq.ft.	-9,000	988 sq.ft. -8,000
Basement & Finished Rooms Below Grade	N/A	N/A	N/A	N/A	N/A		
Functional Utility	AVERAGE	AVERAGE	AVERAGE	AVERAGE			
Heating/Cooling	FAU/CENTRAL	FAU/CENTRAL	FAU/CENTRAL	FAU/CENTRAL			
Energy Efficient Items	STANDARD	STANDARD	STANDARD	STANDARD			
Garage/Carport	NONE	NONE	NONE	CARPORT	-2,000		
Porch/Patio/Deck	PCH,PAT,L/S	PCH,PAT,L/S	PCH,PAT,L/S	PCH,PAT,L/S			
Net Adjustment (Total)		<input type="checkbox"/> + <input type="checkbox"/> - \$ 50,000	<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 57,000	<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 47,500			
Adjusted Sale Price of Comparables							

Summary of Sales Comparison Approach ALL SALES ARE SIMILAR QUALITY HOMES LOCATED IN THE SUBJECT SUBMARKET. SALES 2 AND 3 ARE SUPERIOR TO SUBJECT DUE TO GROSS LIVING AREA. SALE 2 IS ALSO SUPERIOR DUE TO SITE SIZE. SALE 3 IS ALSO SUPERIOR DUE TO PARKING FACILITIES. SEE ATTACHED ADDENDA.

Indicated Value by Sales Comparison Approach \$ 50,000

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3/2007

**RESIDENTIAL APPRAISAL SUMMARY REPORT**

File No.: 081207

<b>COST APPROACH TO VALUE (If developed)</b>		<input checked="" type="checkbox"/> The Cost Approach was not developed for this appraisal.
Provide adequate information for replication of the following cost figures and calculations.		
Support for the opinion of site value (summary of comparable land sales or other methods for estimating site value): <u>N/A</u>		

ESTIMATED DEPRECIATION AND OTHER ADJUSTMENTS		DEPR/ADJ. SUPPORTED BY	
Source of cost data:		DWELLING	
Quality rating from cost service: Effective date of cost data:		Sq.Ft. @ \$	= \$
Comments on Cost Approach (gross living area calculations, depreciation, etc.):		Sq.Ft. @ \$	= \$
		Sq.Ft. @ \$	= \$
		Sq.Ft. @ \$	= \$
		Sq.Ft. @ \$	= \$
Garage/Carport		Sq.Ft. @ \$	= \$
Total Estimate of Cost-New		= \$	
Less	Physical	Functional	External
Depreciation		= \$( )	
Depreciated Cost of Improvements		= \$	
"As-is" Value of Site Improvements		= \$	
		= \$	
		= \$	

Estimated Remaining Economic Life (if required): 25 Years **INDICATED VALUE BY COST APPROACH** = \$ N/A

**INCOME APPROACH TO VALUE (If developed)**  The Income Approach was not developed for this appraisal.

Estimated Monthly Market Rent \$ N/A X Gross Rent Multiplier = \$ Indicated Value by Income Approach

Summary of Income Approach (including support for market rent and GRM):

PROJECT INFORMATION FOR PUDs (If applicable)		<input type="checkbox"/> The Subject is part of a Planned Unit Development.
Legal Name of Project:		
Describe common elements and recreational facilities:		

**Indicated Value by: Sales Comparison Approach \$ 50,000 Cost Approach (If developed) \$ N/A Income Approach (If developed) \$ N/A**

Final Reconciliation **THE SALES COMPARISON APPROACH BEST INDICATES MARKET VALUE AS DESCRIBED IN THE REPORT.**

This appraisal is made  "as is",  subject to completion per plans and specifications on the basis of a Hypothetical Condition that the improvements have been completed,  subject to the following repairs or alterations on the basis of a Hypothetical Condition that the repairs or alterations have been completed,  subject to the following required inspection based on the Extraordinary Assumption that the condition or deficiency does not require alteration or repair: **Subject is marketable "as is" and no repairs or alterations are required. See attached addenda.**

This report is also subject to other Hypothetical Conditions and/or Extraordinary Assumptions as specified in the attached addenda.

Based on the degree of Inspection of the subject property, as indicated below, defined Scope of Work, Statement of Assumptions and Limiting Conditions, and Appraiser's Certifications, my (our) Opinion of the Market Value (or other specified value type), as defined herein, of the real property that is the subject of this report is: \$ 50,000, as of: DECEMBER 16, 2008, which is the effective date of this appraisal.  
If indicated above, this Opinion of Value is subject to Hypothetical Conditions and/or Extraordinary Assumptions included in this report. See attached addenda.

A true and complete copy of this report contains \_\_\_\_\_ pages, including exhibits which are considered an integral part of the report. This appraisal report may not be properly understood without reference to the information contained in the complete report.

Attached Exhibits:

- |   |   |  |  |   |
|---|---|--|--|---|
| <input checked="" type="checkbox"/> Scope of Work | <input checked="" type="checkbox"/> Limiting Cond./Certifications | <input checked="" type="checkbox"/> Narrative Addendum | <input checked="" type="checkbox"/> Photograph Addenda | <input checked="" type="checkbox"/> Sketch Addendum |
| <input checked="" type="checkbox"/> Map Addenda   | <input type="checkbox"/> Additional Sales                         | <input type="checkbox"/> Cost Addendum                 | <input type="checkbox"/> Flood Addendum                | <input type="checkbox"/> Manuf. House Addendum      |
| <input type="checkbox"/> Hypothetical Conditions  | <input type="checkbox"/> Extraordinary Assumptions                | <input type="checkbox"/>                               | <input type="checkbox"/>                               | <input type="checkbox"/>                            |

Client Contact:

E-Mail: \_\_\_\_\_ Client Name: MANUEL CAMACHO

Address: 2132 FRANKLIN AVENUE, LAS VEGAS, NV 89104

APPRAYER



Appraiser Name: TRISTA CATER  
 Company: C & R APPRAISAL COMPANY  
 Phone: 702-278-6099 Fax: \_\_\_\_\_  
 E-Mail: TRISTA5@COX.NET  
 Date of Report (Signature): DECEMBER 19, 2008  
 License or Certification #: A.0001127-RES State: NV  
 Designation: LICENSED RESIDENTIAL APPRAISER  
 Expiration Date of License or Certification: 6/30/2009  
 Inspection of Subject:  Interior & Exterior  Exterior Only  None  
 Date of Inspection: DECEMBER 16, 2008

SUPERVISORY APPRAISER (If required)  
or CO-APPRAISER (if applicable)

Supervisory or  
Co-Appraiser Name: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail: \_\_\_\_\_  
 Date of Report (Signature): \_\_\_\_\_  
 License or Certification #: \_\_\_\_\_ State: \_\_\_\_\_  
 Designation: \_\_\_\_\_  
 Expiration Date of License or Certification: \_\_\_\_\_  
 Inspection of Subject:  Interior & Exterior  Exterior Only  None  
 Date of Inspection: \_\_\_\_\_

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3/2007

**Assumptions, Limiting Conditions & Scope of Work**

File No.: 081207

Property Address: 2132 FRANKLIN AVENUE	City: LAS VEGAS	State: NV	Zip Code: 89104
Client: MANUEL CAMACHO	Address: 2132 FRANKLIN AVENUE, LAS VEGAS, NV 89104		
Appraiser: TRISTA CATER	Address:		

**STATEMENT OF ASSUMPTIONS & LIMITING CONDITIONS**

- The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
- The appraiser may have provided a sketch in the appraisal report to show approximate dimensions of the improvements, and any such sketch is included only to assist the reader in visualizing the property and understanding the appraiser's determination of its size. Unless otherwise indicated, a Land Survey was not performed.
- If so indicated, the appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
- The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
- If the cost approach is included in this appraisal, the appraiser has estimated the value of the land in the cost approach at its highest and best use, and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used. Unless otherwise specifically indicated, the cost approach value is not an insurance value, and should not be used as such.
- The appraiser has noted in the appraisal report any adverse conditions (including, but not limited to, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property, or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property, or adverse environmental conditions (including, but not limited to, the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
- The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
- The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice, and any applicable federal, state or local laws.
- If this appraisal is indicated as subject to satisfactory completion, repairs, or alterations, the appraiser has based his or her appraisal report and valuation conclusion on the assumption that completion of the improvements will be performed in a workmanlike manner.
- An appraiser's client is the party (or parties) who engage an appraiser in a specific assignment. Any other party acquiring this report from the client does not become a party to the appraiser-client relationship. Any persons receiving this appraisal report because of disclosure requirements applicable to the appraiser's client do not become intended users of this report unless specifically identified by the client at the time of the assignment.
- The appraiser's written consent and approval must be obtained before this appraisal report can be conveyed by anyone to the public, through advertising, public relations, news, sales, or by means of any other media, or by its inclusion in a private or public database.
- An appraisal of real property is not a 'home inspection' and should not be construed as such. As part of the valuation process, the appraiser performs a non-invasive visual inventory that is not intended to reveal defects or detrimental conditions that are not readily apparent. The presence of such conditions or defects could adversely affect the appraiser's opinion of value. Clients with concerns about such potential negative factors are encouraged to engage the appropriate type of expert to investigate.

The Scope of Work is the type and extent of research and analyses performed in an appraisal assignment that is required to produce credible assignment results, given the nature of the appraisal problem, the specific requirements of the intended user(s) and the intended use of the appraisal report. Reliance upon this report, regardless of how acquired, by any party or for any use, other than those specified in this report by the Appraiser, is prohibited. The Opinion of Value that is the conclusion of this report is credible only within the context of the Scope of Work, Effective Date, the Date of Report, the Intended User(s), the Intended Use, the stated Assumptions and Limiting Conditions, any Hypothetical Conditions and/or Extraordinary Assumptions, and the Type of Value, as defined herein. The appraiser, appraisal firm, and related parties assume no obligation, liability, or accountability, and will not be responsible for any unauthorized use of this report or its conclusions.

**Additional Comments (Scope of Work, Extraordinary Assumptions, Hypothetical Conditions, etc.):**

**Certifications**

Property Address: 2132 FRANKLIN AVENUE	City: LAS VEGAS	File No.: 081207
Client: MANUEL CAMACHO	Address: 2132 FRANKLIN AVENUE, LAS VEGAS, NV 89104	State: NV Zip Code: 89104
Appraiser: TRISTA CATER	Address:	

**APPRAISER'S CERTIFICATION**

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The credibility of this report, for the stated use by the stated user(s), of the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no direct interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- I did not base, either partially or completely, my analysis and/or the opinion of value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property, or of the present owners or occupants of the properties in the vicinity of the subject property.
- Unless otherwise indicated, I have made a personal inspection of the property that is the subject of this report.
- Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification.

**Additional Certifications:****DEFINITION OF MARKET VALUE \*:**

Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised and acting in what they consider their own best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

\* This definition is from regulations published by federal regulatory agencies pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) of 1989 between July 5, 1990, and August 24, 1990, by the Federal Reserve System (FRS), National Credit Union Administration (NCUA), Federal Deposit Insurance Corporation (FDIC), the Office of Thrift Supervision (OTS), and the Office of Comptroller of the Currency (OCC). This definition is also referenced in regulations jointly published by the OCC, OTS, FRS, and FDIC on June 7, 1994, and in the Interagency Appraisal and Evaluation Guidelines, dated October 27, 1994.

Client Contact:	Client Name: MANUEL CAMACHO
E-Mail:	Address: 2132 FRANKLIN AVENUE, LAS VEGAS, NV 89104
<b>APPRaiser</b>	
	
Appraiser Name: TRISTA CATER	SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable)
Company: C & R APPRAISAL COMPANY	Supervisory or Co-Appraiser Name: _____
Phone: 702-278-6099	Company: _____
Fax: _____	Phone: _____
E-Mail: TRISTA5@COX.NET	Fax: _____
Date Report Signed: DECEMBER 19, 2008	E-Mail: _____
License or Certification #: A.0001127-RES	Date Report Signed: _____
State: NV	License or Certification #: _____
Designation: LICENSED RESIDENTIAL APPRAISER	State: _____
Expiration Date of License or Certification: 6/30/2009	Designation: _____
Inspection of Subject: <input checked="" type="checkbox"/> Interior & Exterior <input type="checkbox"/> Exterior Only <input type="checkbox"/> None	Expiration Date of License or Certification: _____
Date of Inspection: DECEMBER 16, 2008	Inspection of Subject: <input type="checkbox"/> Interior & Exterior <input type="checkbox"/> Exterior Only <input type="checkbox"/> None
Date of Inspection: _____	

**Supplemental Addendum**

File No. 081207

Borrower/Client	N/A				
Property Address	2132 FRANKLIN AVENUE				
City	LAS VEGAS	County	CLARK		
Client	MANUEL CAMACHO	State	NV	Zip Code	89104

**• URAR: Neighborhood Market Factors**

Las Vegas has a tourist-based economy. The service industry, which includes hotels, gaming, and recreation, accounts for over 30% of the employment within the city. Nellis Air Force Base, the Nevada Test Site, and several industrial and manufacturing plants are other major sources of employment. Also included are the secondary levels of support employment that develop around a community with the size and population of the Las Vegas area. Growth in the Las Vegas valley remains constant adding to employment stability, and in turn, adding to the city's appeal.

Most of the competition for the subject will come from new tract development. Due to the tremendous growth in the Las Vegas Valley, new development will directly compete with both existing and other new development. The subject neighborhood is consistent with other competitive neighborhoods within the Las Vegas Valley and demonstrates a similar overall marketability to those areas.

**• URAR: Sales Comparison Comments**

After all adjustments were made, a reasonable range of indicated values was found. None of the sales stands well alone as an indicator of value, but collectively they support each other and the value conclusion. Gross and net percentage adjustments are small and attest to the comparability of the sales.

This submarket was searched extensively and the comparable sales selected are considered the most similar to the subject in the current time frame. Any comparable which sold/closed escrow more than six months from the date of inspection was used due to a lack of any better/more recent sales in this submarket. Furthermore, any dated sale used is still a reliable indicator of current market value. All of the comparable sales are from within the subject subdivision or from the most proximate competing market areas. All line item adjustments are either market extracted and represent what informed purchasers are willing to pay for those items, or, when ideal "matched pair" sales are unavailable and no market extraction is possible, adjustments are derived from the cost new of the item, less all forms of depreciation. No value has been assigned to any personal property or any fixture not permanently attached.

In order to develop a reasonable analysis for the value of the property, a review of sales data from several sources was conducted. This investigation included the Multiple Listing Service as well as the county records and appraiser's files. Competing listings were also reviewed to determine the current competition and establish the upper limits of value in this submarket. The information provided herein is deemed to be accurate based on the sources cited.

**• URAR: Final Reconciliation**

Greatest weight has been placed on the Sales Comparison Analysis as the actions of buyers and sellers are reflected therein. The Cost Approach gives added support of the value conclusion indicated by the Sales Comparison Approach. There is insufficient rental data to produce consistent conclusions about market rent and gross rent multipliers and, therefore, the Income Approach was omitted. I am aware of the changes made by USPAP to the appraiser's certification and will abide by those changes. I have no bias in respect to the subject property.

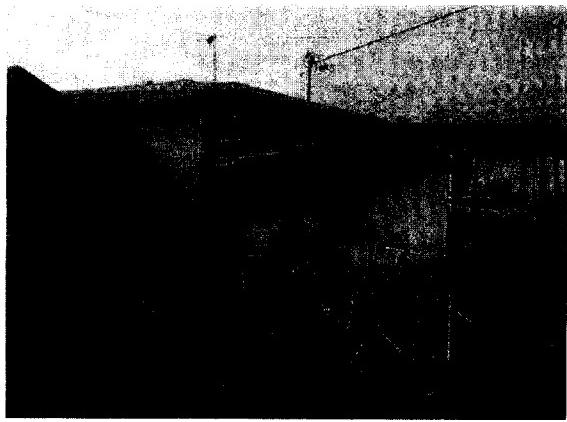
**Subject Photos**

Borrower/Client	N/A				
Property Address	2132 FRANKLIN AVENUE				
City	LAS VEGAS	County	CLARK		
Client	MANUEL CAMACHO	State	NV	Zip Code	89104



**Subject Front**

2132 FRANKLIN AVENUE



**Subject Rear**



**Subject Street**

Borrower/Client	N/A		
Property Address	2132 FRANKLIN AVENUE		
City	LAS VEGAS	County	CLARK
Client	MANUEL CAMACHO	State	NV Zip Code 89104



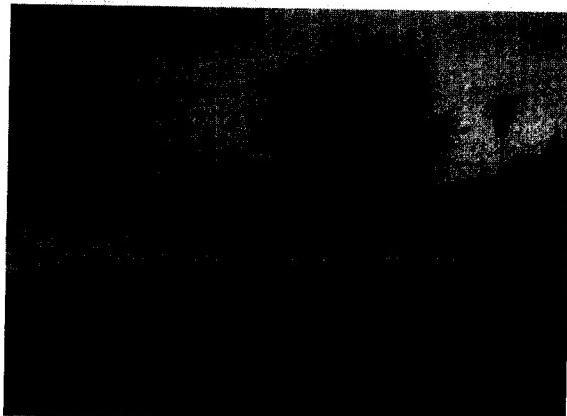
**Comparable 1**

1900 EUCLID AVENUE



**Comparable 2**

1900 EUCLID AVENUE

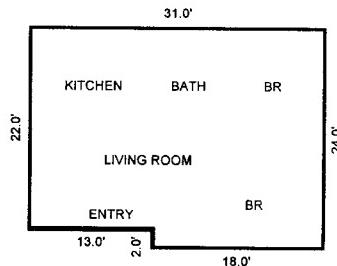


**Comparable 3**

2416 HOWARD DRIVE

**Building Sketch**

Borrower/Client	N/A
Property Address	2132 FRANKLIN AVENUE
City	LAS VEGAS
Client	MANUEL CAMACHO



Sketch by Apex IV™

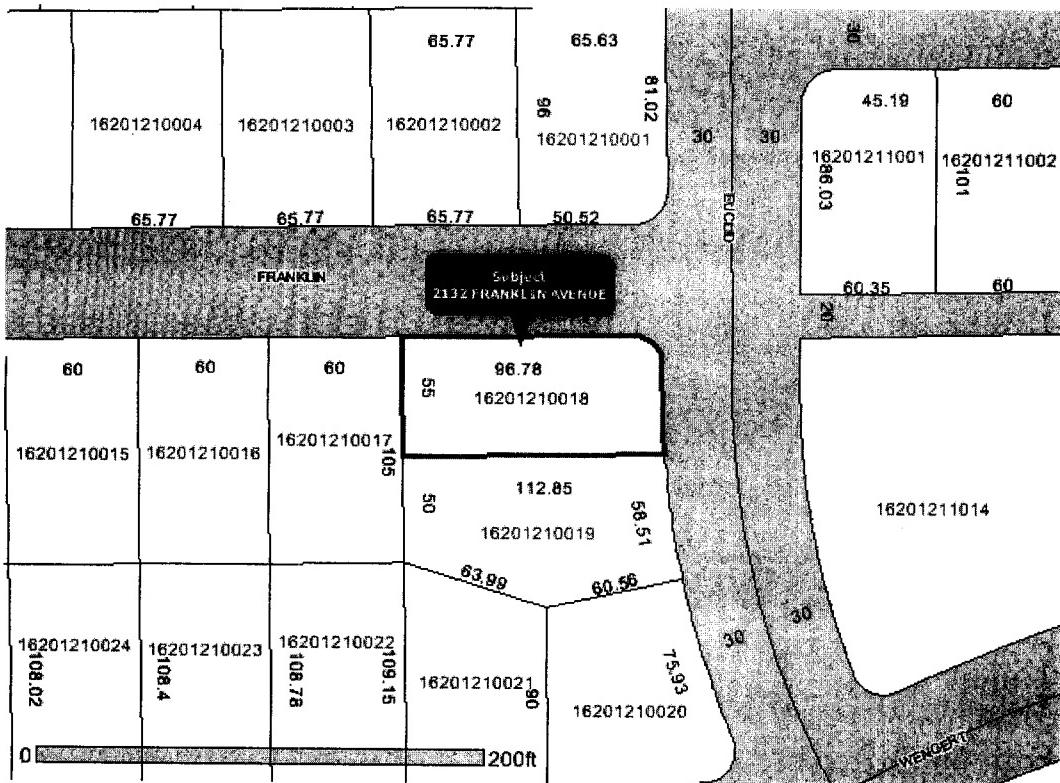
Comments:

AREA CALCULATIONS SUMMARY		
Code	Description	Size
GLA1	Living Area	718.00
		718.00

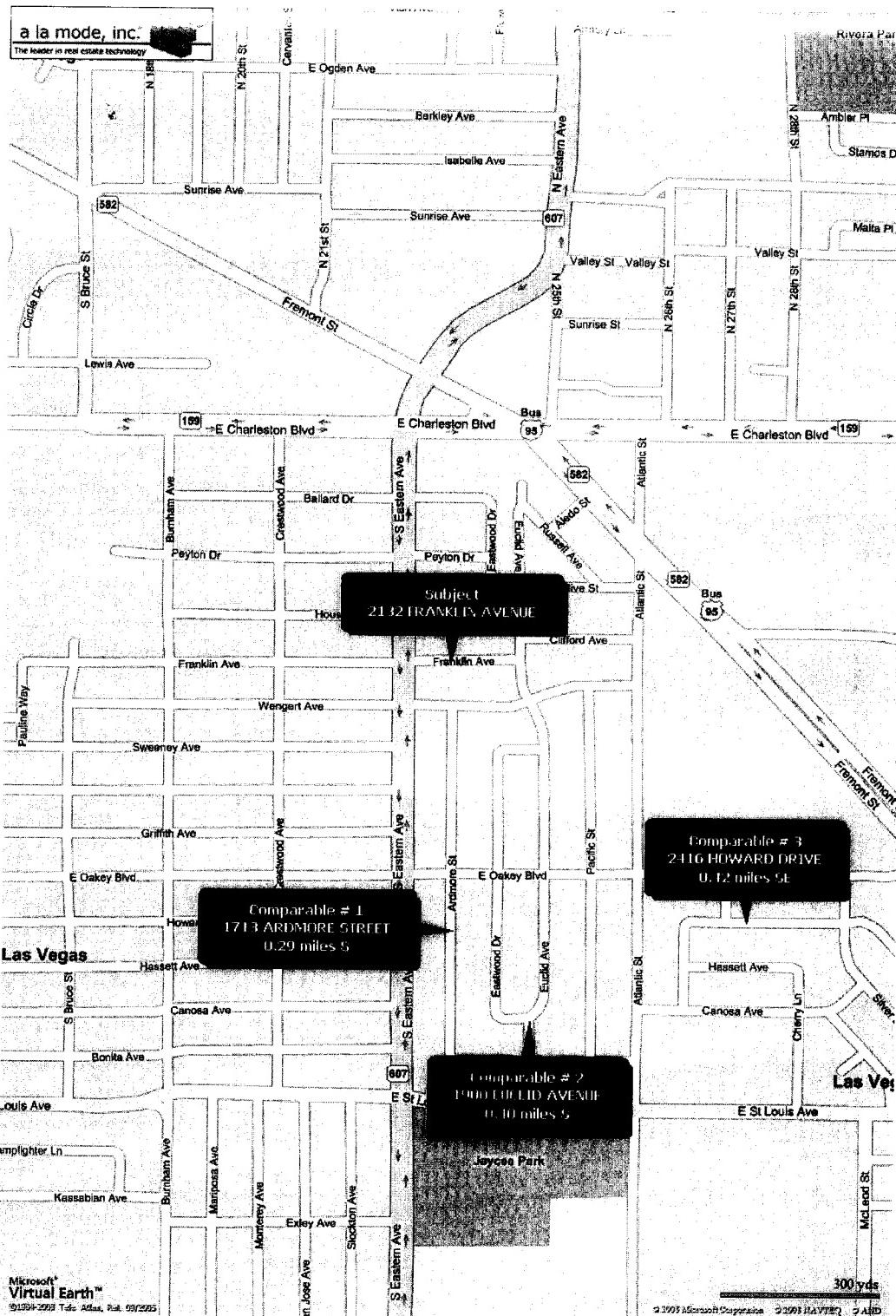
LIVING AREA BREAKDOWN		
	Breakdown	Subtotals
Living Area		
	22.0 x 31.0	682.00
	2.0 x 18.0	36.00
TOTAL LIVABLE	(rounded)	718
2 Calculations Total (rounded)		718

Borrower/Client	N/A
Property Address	2132 FRANKLIN AVENUE
City	LAS VEGAS
County	CLARK
State	NV
Zip Code	89104



## Location Map

Borrower/Client	N/A
Property Address	2132 FRANKLIN AVENUE
City	LAS VEGAS
Client	MANUEL CAMACHO
County	CLARK
State	NV
Zip Code	89104



APPRaiser LICENSE	
STATE OF NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY	
REAL ESTATE DIVISION	
NOT TRANSFERABLE	
NOT TRANSFERABLE	
This is to Certify That: TRISTA R CATHER	
Is duly authorized to act as a LICENSED RESIDENTIAL APPRAISER from the issue date to the expiration date at the business address stated herein, unless the license is sooner revoked, cancelled, withdrawn, or invalidated.	
Issue Date:	July 13, 2007
Expire Date:	June 30, 2009
In witness whereof, THE DEPARTMENT OF BUSINESS AND INDUSTRY, REAL ESTATE DIVISION, by virtue of its authority vested in it by Chapter 68C of the Nevada Revised Statutes, has caused this license to be issued with its Seal printed thereon. This license must be conspicuously displayed in place of business.	
FOR: TRUST A ROMERO & R APPRAISAL CO 6405 HAVEN HOLLOW AVENUE LAS VEGAS, NV 89130	
REAL ESTATE DIVISION	
GAILA ANDERSON <i>[Signature]</i>	

